

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In Re: AUTOMOTIVE PARTS
ANTITRUST LITIGATION

Master File No. 12-md-02311
Honorable Marianne O. Battani

In re: Wire Harness Cases
In re: All Auto Parts Cases

THIS DOCUMENT RELATES TO:

All Wire Harness Cases
All Auto Parts Cases

2:12-cv-00100-MOB-MKM
2:12-md-02311-MOB-MKM

**RULING BY SPECIAL MASTER UPON DEFENDANT'S MOTION FOR
CLARIFICATION OF THE COURT'S RULINGS REGARDING
DEPOSITIONS OF PLAINTIFFS IN MULTI-AUTO PARTS CASES**

Prior to the Court's Status Conference on January 28, 2015, the Plaintiffs, Auto Part Dealers and End Users and the wire harness defendants met and conferred to come up with a proposed deposition protocol to be used in the depositions to be conducted in the wire harness cases, as previously instructed by the Court.

The undersigned, Special Master, worked with counsel for both sides to compromise disputed issues in their proposed deposition protocol.

The deposition protocol was never completed, nor presented to the undersigned or the Court for entry.

At the Status Conference of the Court conducted on January 28, 2015, the Court directed that no End Payor or Automobile Dealer Witness may be deposed more than once in the Auto

Parts MDL Action, absent a showing of good cause. The Court also indicated that a party may depose as a fact witness under Rule 30(b)(1) or Rule 45 an individual who has previously been deposed or will be deposed as a corporate representative of a party under Rule 30(b)(6). Additionally, the Court indicated that notices of depositions of End Payor and Automobile Dealer Witnesses shall be served on all parties to the Automotive Parts MDL. Finally, the Court instructed End Payor Plaintiffs and Automobile Dealer Plaintiffs to produce all documents and written discovery that they had produced to any party in the Auto Parts MDL litigation to all Defendants in all cases.

In conclusion, the Court Ordered that all parties meet and confer to develop a single deposition protocol covering the depositions of all End Payor Witnesses and Auto Part Dealer Witnesses in the Auto Parts MDL cases.

To date, the parties have not presented such deposition protocol to the Special Master or the Court. The parties are Ordered to meet and confer and develop a universal deposition protocol for depositions of End Payor Plaintiffs and Automobile Dealer Plaintiff Witnesses in the Auto Parts MDL cases. Any disputes between the parties that cannot be resolved should be forwarded to the Special Master for reconciliation and/or ruling.

Thereafter, the parties will be free to file any objections to the proposed universal deposition protocol with the Court pursuant to the Order Appointing Special Master.

Date: March 18, 2015

/s/ Gene J. Esshaki

Gene J. Esshaki, Special Master